



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2303

Introduced 1/27/2016, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

805 ILCS 5/15.95	from Ch. 32, par. 15.95
805 ILCS 5/15.97	from Ch. 32, par. 15.97
805 ILCS 206/108	

Amends the Business Corporation Act of 1983. In provisions concerning the Department of Business Services Special Operations Fund, provides that on or before August 31 of each year, the balance in the Fund in excess of \$600,000 shall be transferred to the General Revenue Fund (rather than the balance in the Fund at the end of any fiscal year shall not exceed \$600,000 and any amount in excess thereof shall be transferred to the General Revenue Fund). In provisions concerning the Corporate Franchise Tax Refund Fund, provides that on or before August 31 of each year, the balance in the Fund in excess of \$100,000 shall be transferred to the General Revenue Fund (rather than within a reasonable time after the 30th day of June of each year, the Secretary of State shall direct and the Comptroller shall order transferred to the General Revenue Fund all amounts in excess of \$100,000 remaining in the fund as of June 30). Amends the Uniform Partnership Act (1997). In a provision concerning the Division of Corporations Limited Liability Partnership Fund, provides that on or before August 31 of each year, the balance in the Fund in excess of \$200,000 shall be transferred to the General Revenue Fund (rather than the balance of the Fund at the end of any fiscal year shall not exceed \$200,000, and any amount in excess thereof shall be transferred to the General Revenue Fund).

LRB099 14534 KTG 38654 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Business Corporation Act of 1983 is amended
5 by changing Sections 15.95 and 15.97 as follows:

6 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

7 Sec. 15.95. Department of Business Services Special
8 Operations Fund.

9 (a) A special fund in the State treasury known as the
10 Division of Corporations Special Operations Fund is renamed the
11 Department of Business Services Special Operations Fund.
12 Moneys deposited into the Fund shall, subject to appropriation,
13 be used by the Department of Business Services of the Office of
14 the Secretary of State, hereinafter "Department", to create and
15 maintain the capability to perform expedited services in
16 response to special requests made by the public for same day or
17 24 hour service. Moneys deposited into the Fund shall be used
18 for, but not limited to, expenditures for personal services,
19 retirement, social security, contractual services, equipment,
20 electronic data processing, and telecommunications.

21 (b) On or before August 31 of each year, the balance in the
22 Fund in excess of \$600,000 shall be transferred to the General
23 Revenue Fund. ~~The balance in the Fund at the end of any fiscal~~

1 ~~year shall not exceed \$600,000 and any amount in excess thereof~~
2 ~~shall be transferred to the General Revenue Fund.~~

3 (c) All fees payable to the Secretary of State under this
4 Section shall be deposited into the Fund. No other fees or
5 taxes collected under this Act shall be deposited into the
6 Fund.

7 (d) "Expedited services" means services rendered within
8 the same day, or within 24 hours from the time, the request
9 therefor is submitted by the filer, law firm, service company,
10 or messenger physically in person or, at the Secretary of
11 State's discretion, by electronic means, to the Department's
12 Springfield Office and includes requests for certified copies,
13 photocopies, and certificates of good standing or fact made to
14 the Department's Springfield Office in person or by telephone,
15 or requests for certificates of good standing or fact made in
16 person or by telephone to the Department's Chicago Office.

17 (e) Fees for expedited services shall be as follows:

18 Restatement of articles, \$200;

19 Merger, consolidation or exchange, \$200;

20 Articles of incorporation, \$100;

21 Articles of amendment, \$100;

22 Revocation of dissolution, \$100;

23 Reinstatement, \$100;

24 Application for authority, \$100;

25 Cumulative report of changes in issued shares or paid-in
26 capital, \$100;

1 Report following merger or consolidation, \$100;

2 Certificate of good standing or fact, \$20;

3 All other filings, copies of documents, annual reports
4 filed on or after January 1, 1984, and copies of documents of
5 dissolved or revoked corporations having a file number over
6 5199, \$50.

7 (f) Expedited services shall not be available for a
8 statement of correction, a petition for refund or adjustment,
9 or a request involving annual reports filed before January 1,
10 1984 or involving dissolved corporations with a file number
11 below 5200.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (805 ILCS 5/15.97) (from Ch. 32, par. 15.97)

14 Sec. 15.97. Corporate Franchise Tax Refund Fund.

15 (a) Beginning July 1, 1993, a percentage of the amounts
16 collected under Sections 15.35, 15.45, 15.65, and 15.75 of this
17 Act shall be deposited into the Corporate Franchise Tax Refund
18 Fund, a special Fund hereby created in the State treasury. From
19 July 1, 1993, until December 31, 1994, there shall be deposited
20 into the Fund 3% of the amounts received under those Sections.
21 Beginning January 1, 1995, and for each fiscal year beginning
22 thereafter, 2% of the amounts collected under those Sections
23 during the preceding fiscal year shall be deposited into the
24 Fund.

25 (b) Beginning July 1, 1993, moneys in the Fund shall be

1 expended exclusively for the purpose of paying refunds payable
2 because of overpayment of franchise taxes, penalties, or
3 interest under Sections 13.70, 15.35, 15.45, 15.65, 15.75, and
4 16.05 of this Act and making transfers authorized under this
5 Section. Refunds in accordance with the provisions of
6 subsections (f) and (g) of Section 1.15 and Section 1.17 of
7 this Act may be made from the Fund only to the extent that
8 amounts collected under Sections 15.35, 15.45, 15.65, and 15.75
9 of this Act have been deposited in the Fund and remain
10 available. On or before August 31 of each year, the balance in
11 the Fund in excess of \$100,000 shall be transferred to the
12 General Revenue Fund. Within a reasonable time after the 30th
13 day of June of each year, the Secretary of State shall direct
14 and the Comptroller shall order transferred to the General
15 Revenue Fund all amounts in excess of \$100,000 remaining in the
16 fund as of June 30.

17 (c) This Act shall constitute an irrevocable and continuing
18 appropriation from the Corporate Franchise Tax Refund Fund for
19 the purpose of paying refunds upon the order of the Secretary
20 of State in accordance with the provisions of this Section.

21 (Source: P.A. 93-59, eff. 7-1-03.)

22 Section 10. The Uniform Partnership Act (1997) is amended
23 by changing Section 108 as follows:

24 (805 ILCS 206/108)

1 Sec. 108. Fees.

2 (a) The Secretary of State shall charge and collect in
3 accordance with the provisions of this Act and rules
4 promulgated under its authority:

5 (1) fees for filing documents;

6 (2) miscellaneous charges; and

7 (3) fees for the sale of lists of filings and for
8 copies of any documents.

9 (b) The Secretary of State shall charge and collect:

10 (1) for furnishing a copy or certified copy of any
11 document, instrument, or paper relating to a registered
12 limited liability partnership, \$25;

13 (2) for the transfer of information by computer process
14 media to any purchaser, fees established by rule;

15 (3) for filing a statement of partnership authority,
16 \$25;

17 (4) for filing a statement of denial, \$25;

18 (5) for filing a statement of dissociation, \$25;

19 (6) for filing a statement of dissolution, \$100;

20 (7) for filing a statement of merger, \$100;

21 (8) for filing a statement of qualification for a
22 limited liability partnership organized under the laws of
23 this State, \$100 for each partner, but in no event shall
24 the fee be less than \$200 or exceed \$5,000;

25 (9) for filing a statement of foreign qualification,
26 \$500;

1 (10) for filing a renewal statement for a limited
2 liability partnership organized under the laws of this
3 State, \$100 for each partner, but in no event shall the fee
4 be less than \$200 or exceed \$5,000;

5 (11) for filing a renewal statement for a foreign
6 limited liability partnership, \$300;

7 (12) for filing an amendment or cancellation of a
8 statement, \$25;

9 (13) for filing a statement of withdrawal, \$100;

10 (14) for the purposes of changing the registered agent
11 name or registered office, or both, \$25;

12 (15) for filing an application for reinstatement,
13 \$200;

14 (16) for filing any other document, \$25.

15 (c) All fees collected pursuant to this Act shall be
16 deposited into the Division of Corporations Limited Liability
17 Partnership Fund.

18 (d) There is hereby continued in the State treasury a
19 special fund to be known as the Division of Corporations
20 Limited Liability Partnership Fund. Moneys deposited into the
21 Fund shall, subject to appropriation, be used by the Business
22 Services Division of the Office of the Secretary of State to
23 administer the responsibilities of the Secretary of State under
24 this Act. On or before August 31 of each year, the balance in
25 the Fund in excess of \$200,000 shall be transferred to the
26 General Revenue Fund. ~~The balance of the Fund at the end of any~~

1 ~~fiscal year shall not exceed \$200,000, and any amount in excess~~
2 ~~thereof shall be transferred to the General Revenue Fund.~~

3 (Source: P.A. 97-839, eff. 7-20-12.)